THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.27952 of 2005

23rd October 2006

Between:

1. S.V.Vijayanda Rao, S/o.late Chinnappa, 50 years, Assistant Commissioner of Commercial Tax, Warangal, Warangal District.

And one other.

...PETITIONERS

AND

1. The Commissioner of Commercial Taxes, Government of A.P., Hyderabad.

And six others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.27952 of 2005

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Petition itself is taken up for disposal.

The petitioners herein seek to assail the order dated 07.10.2005 in O.A.No.2818 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) rejecting an application filed under Section 19 of the Administrative Tribunals Act, 1985 wherein, the petitioners sought to assail the proceedings dated 12.12.1995 of the first respondent and other consequential proceedings.

Though several contentions sought to be raised on merits on either side, the learned counsel for the petitioners submitted that the substantive appeal is pending before the second respondent and as evident form their own Memo No.59970/C.T.I(1)/2005 dated

27.05.2006, they sought to enquire the said proceedings.

Having regard to the fact that such an appeal is pending where all these questions can be gone into, it is represented across the bar that the matter can be disposed of without keeping it pending.

The Writ Petition is accordingly disposed of directing the second respondent to dispose of the appeal on merits, after giving notice and opportunity to both the sides, within a period of six {6} weeks from the date of receipt of a copy of this order. It is needless to mention that in the event if the order goes against them, it is always open for the petitioners to file appropriate proceedings in accordance with law. No costs.

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(B.PRAKASH RAO, J)

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(G.V.SEETHAPATHY, J)

23rd October 2006
RRB